

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICIA BUTLER AND WESLEY
BUTLER, on behalf of themselves and all
other similarly situated employees,

Plaintiffs,

v.

HARVEST MANAGEMENT SUB, LLC
d/b/a
HOLIDAY RETIREMENT,

Defendant.

No. 2:17-cv-00685-RAJ

DECLARATION OF BRETT C. BARTLETT
IN SUPPORT OF DEFENDANT'S MOTION
TO STRIKE OPT-IN PLAINTIFFS'
CONSENT FORMS OR, IN THE
ALTERNATIVE, DISMISS THEIR CLAIMS

I, Brett C. Bartlett, declare as follows:

1. I am an attorney representing Harvest Management Sub, LLC d/b/a Holiday Retirement ("Holiday") in this case, and I make this declaration based on my knowledge and on the files and records in this case.

2. Prior to the filing of Defendant's Motion to Strike Opt-In Plaintiffs' Consent Forms Or, In The Alternative, Dismiss Their Claims, I discussed the substantive grounds for the motion with Mr. Gregg Shavitz, one of the attorneys representing Plaintiffs, and attempted to reach a resolution without the need for the motion.

3. On the afternoon of Friday, September 29, 2017, I participated in a telephonic conference with Mr. Shavitz to discuss Defendant's position that the Opt-In Plaintiffs had
DECL. OF BRETT C. BARTLETT IN SUPPORT OF DEFENDANT'S
MOTION TO STRIKE OPT-IN PLAINTIFFS' CONSENT FORMS
OR, IN THE ALTERNATIVE, DISMISS THEIR CLAIMS (No. 2:17-
cv-00685-RAJ) – 1

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1 improperly joined this action, and thus should withdraw, given each had entered into a mutual
2 and binding agreement with Holiday to arbitrate all employment related disputes on an
3 individual basis. I explained that we had documents to corroborate that the Opt-In Plaintiffs
4 were subject to the mutual arbitration agreement, which includes a provision expressly waiving
5 any right to participate in collective proceedings. I informed Mr. Shavitz that, unless Plaintiffs
6 stipulated to the dismissal of the Opt-In Plaintiffs from this action, Defendant would file a
7 motion to strike the Opt-In Plaintiffs' consent forms, or alternatively, dismiss their claims with
8 prejudice. Mr. Shavitz indicated that he understood Defendant's position and that he would
9 contact me after conferring with his local counsel to present Plaintiffs' position.

10 4. On the afternoon of Thursday, October 5, 2017, Mr. Shavitz emailed me to,
11 among other things, confirm Plaintiffs' refusal to stipulate to dismissal of the Opt-In Plaintiffs
12 and their intention to oppose Defendant's motion.

13 5. On the afternoon of Monday, October 9, 2017, I emailed Mr. Shavitz and asked
14 that he 1) confirm Plaintiffs' understanding and acknowledgment that the Opt-In Plaintiffs are
15 bound by arbitration agreements containing collective action waivers and 2) state his grounds for
16 opposing Defendant's motion to strike, or in the alternative, dismiss the Opt-In Plaintiffs, in light
17 of the binding arbitration agreements.

18 6. On the afternoon of Wednesday, October 11, 2017, Mr. Shavitz responded to
19 confirm that Plaintiffs would not concede the enforceability of the arbitration agreements
20 governing the Opt-In Plaintiffs' claims in light of certain undisclosed Ninth Circuit authority
21 finding collective action waivers unenforceable.

22 I declare under penalty of perjury under the laws of the United States and the State of
23 Georgia that the foregoing is true and correct.

24 Signed at Atlanta, Georgia, this 3rd day of November, 2017.

25 s/ Brett C. Bartlett
26 Brett C. Bartlett

CERTIFICATE OF SERVICE

On November 6, 2017, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following document(s):

**DECLARATION OF BRETT C. BARTLETT IN SUPPORT OF DEFENDANT'S
MOTION TO STRIKE OPT-IN PLAINTIFFS' CONSENT FORMS OR, IN THE
ALTERNATIVE, DISMISS THEIR CLAIMS**

Alan L. Quiles	<input type="checkbox"/>	Via Hand Delivery
Gregg I. Shavitz	<input type="checkbox"/>	Via U.S. Mail, 1st Class,
Shavitz Law Group, P.A.		Postage Prepaid
1515 South Federal Highway, Ste. 404	<input type="checkbox"/>	Via Overnight Delivery
Boca Raton, FL 33432	<input type="checkbox"/>	Via Facsimile
Telephone: (561) 447-8888	<input checked="" type="checkbox"/>	Via E-filing
Facsimile: (561) 447-8831		
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gshavitz@shavitzlaw.com		

Attorneys for Plaintiffs

Adrienne McEntee	<input type="checkbox"/>	Via Hand Delivery
Jennifer Rust Murray	<input type="checkbox"/>	Via U.S. Mail, 1st Class,
Beth E. Terrell		Postage Prepaid
Terrell Marshall Law Group PLLC	<input type="checkbox"/>	Via Overnight Delivery
936 N. 34th St., Ste. 300	<input type="checkbox"/>	Via Facsimile
Seattle, WA 98103	<input checked="" type="checkbox"/>	Via E-filing
Telephone: (206) 816-6603		
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jmurray@terrellmarshall.com		
bterrell@terrellmarshall.com		

Attorneys for Plaintiffs

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 6th day of November, 2017.

By: s/ Chelsea Dwyer Petersen #33787
Chelsea Dwyer Petersen